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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 JOHN ROBERT DEMOS, JR.,

NO. C13-88-JCC-JPD

10 Petitioner,

11 v.

REPORT AND  
RECOMMENDATION

12 US SECRETARY OF DEFENSE, *et al.*,

13 Respondents.  
14

15 **Bar-order litigant John Demos** has filed an application to proceed *in forma pauperis*  
16 with a proposed 28 U.S.C. § 2254 habeas petition.<sup>1</sup> (Dkts. 1, 10.) An Order of this Court  
17 provides for the return without filing of any petition by Mr. Demos that seeks an extraordinary  
18 writ pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See*  
19 *Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997).

20 As petitioner has submitted no filing fee, the Court recommends that, pursuant to the  
21 Court's Order of March 13, 1997, the Clerk be **DIRECTED** to administratively close this  
22 matter and to strike any pending motions as moot. Moreover, Mr. Demos may not proceed

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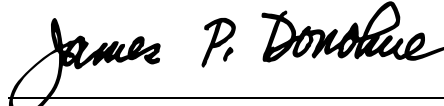
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<sup>1</sup> Although Mr. Demos attempts to bring this habeas petition under 28 U.S.C. § 2241, it  
26 is clear that he brings a § 2254 petition. Mr. Demos is a state prisoner who challenges the  
validity of his state convictions in the 1970s. (Dkt. 1, at 2.)

1 with a second or successive habeas petition here unless and until the Ninth Circuit authorizes  
2 its filing. *See* 28 U.S.C. § 2244(b)(3)(A). A proposed Order is attached.

3 DATED this 26th day of March, 2013.

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5 JAMES P. DONOHUE  
6 United States Magistrate Judge  
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